

III. REMARKS

Status of the Claims

Claims 1-12 are presented for reconsideration.

Summary of the Office Action

Claims 1-3, 5-9, and 11-12 stand rejected under 35USC103(a) based on the reference Lord, et al, U.S. Patent No. 6,763,012 in view of the cited reference Holmstrom et al, U.S. Patent No. 6,907,265 and further in view of the cited reference Perlman, U.S. Patent No. 6,026,079. Claims 2,4,8, and 10 stand rejected under 35USC103(a) based on the reference Lord, et al, in view of the cited reference Holmstrom et al, in view of the cited reference Perlman, and further in view of the cited reference Forslow, U.S. Publication No. 2003/0039237. The Examiner is respectfully requested to reconsider his rejection in view of the the following remarks.

Discussion of the Cited Reference

The Examiner relies on a combination of the references Lord and Holmstrom as primary support for the rejection based on obviousness.

The Examiner has characterized the combined teachings as follows:

"However, Lord-Holmstrom does not explicitly disclose deactivating said first context in response to said second context being activated, deactivating said second context in response to the dial-up connection being released, activating a third packet data protocol context, substantially conforming to said first context, in response to said second context being deactivated."

Perlman is cited as teaching the missing features. However, there is no motivation to combine Perlman with the cited

references Lord and Holmstrom, since the teaching of Perlman is not related to packet radio systems. Perlman discloses a system for connecting computers using modems, wherein a modulation (uplink) transmission band is allocated for each client computer, and remaining bands are used for (downlink) reception. The teachings of Perlman that are related to a circuit-switched modem call system, would not be compatible with the packet radio systems of Lord and Holmstrom. Such a combination would necessitate the alteration of the basic principle of operation of the systems of Lord and Holmstrom. Accordingly, a person skilled in the art would not be led to modify packet radio systems of Lord and Holmstrom on the basis of the features in a circuit-switched modem system. Therefore, there is no suggestion of the desirability of the combination.

Even if the combination of these three different references would be considered, the Examiner has not shown where the features of **"activating a third packet data protocol context, substantially conforming to said first context, in response to said second context being deactivated"** would be taught by the combined teachings. In the system of this application, this feature enables the system to reinstate packet data transmission resources (corresponding to the first packet data protocol context before the establishment of the second context for dial-up connection) after the dial-up connection is established. This feature is not found in Perlman.

Further, as regards the feature of "deactivating said second context in response to the dial-up connection being released", the reference to column 11, lines 14-41 of Perlman cited by the Examiner relate to selection, in a server of the on-line system, of an appropriate computer which is to be connected. The Call

Waiting feature is merely mentioned as an example of an affecting factor to the selection such that the computer with the Call Waiting feature is ordered to initiate the call; see column 14, line 13-15 and line 20-28. Call Waiting is a generally well known service of circuit-switched systems and the feature, as mentioned in Perlman, does not teach the deactivation of a packet-data protocol context, which is not the equivalent to a circuit-switched modem connection, in a packet-switched network. Thus, it is submitted by Applicant, that Perlman does not even teach the deactivation of the first context in response to the second context (for dial-up connection) being activated.

The claims under consideration require "deactivating said second context in response to the dial-up connection being released". The Examiner's attention is directed to the fact that there is no incoming call on the basis of which the second packet data protocol context would be deactivated in the subject application, but the second context is deactivated in response to the dial-up connection being released.

The basis for the Examiner's combination of teachings lies in the following statement:

"Perlman discloses a method of disrupt "a modem connection" which is equivalent to "said first context" for a "new call comes in" which is equivalent to "said second context", see (Perlman: column 11, lines 14-41)."

Applicant submits that the Examiner's contention that the operation of the packet radio system of this application is equivalent to the circuit-switched modem call system of Perlman is not supported by the references or the underlying technology.

The Issue of Obviousness

It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application.

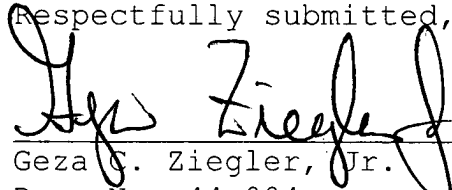
Applicant submits that the above described deficiencies of the combined primary references Lord and Holmstrom are not remedied by the proposed combination with the teaching of the reference Perlman. The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of Lord, Holmstrom and Perlman, in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art. This is also true with respect to the combination of Lord, Holmstrom, Perlman and Forslow as applied to claims 2,4,8, and 10

The above arguments apply equally to the rejected dependent claims.

For the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler, Jr.
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9 JAN 2006
Date

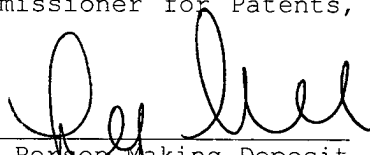
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